

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM; PHOENIX
DIGITAL GROUP LLC; DAVID
SCHAEFER; JORDAN GREEN;
JEFFREY CONWAY; and JAMES MAY,

Defendants.

No. 2:21-cv-811-TSZ

DECLARATION OF CHRISTIAN
MARCELO ISO BUNGIE'S RESPONSE TO
DEFENDANTS' MOTIONS *IN LIMINE*

**EXHIBITS A-D, N
FILED UNDER SEAL**

I, Christian Marcelo, declare as follows:

1. I am an attorney at Perkins Coie LLP, and counsel in this action for Plaintiff Bungie, Inc. ("Bungie" or "Plaintiff"). I have personal knowledge of the facts stated herein.

2. Attached to this declaration are true and correct copies of the following documents:

- a. **Exhibit A:** Excerpts from the transcript of the October 25, 2022 deposition of James May.
- b. **Exhibit B:** Excerpts from the transcript of the October 28, 2022 deposition of David Schaefer.
- c. **Exhibit C:** Excerpts from the transcript of the October 12, 2022 deposition of Jordan Green.

MARCELO DECL.
(No. 2:21-cv-811-TSZ) – 1

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- d. **Exhibit D:** Excerpts from the transcript of the October 19, 2022 deposition of Jeffrey Conway.
- e. **Exhibit E:** December 17, 2019 AimJunkies email produced by Defendants.
- f. **Exhibit F:** Acquisition announcement regarding AimJunkies produced by Defendants.
- g. **Exhibit G:** Bungie's July 1, 2022 initial disclosures.
- h. **Exhibit H:** Bungie's Certificate of Registration for *Destiny 2*, Reg. No. TX 8-933-655.
- i. **Exhibit I:** Bungie's Certificate of Registration for *Destiny 2: Beyond Light*, Reg. No. TX 8-933-658.
- j. **Exhibit J:** Bungie's Response to Defendants' Interrogatory No. 1.
- k. **Exhibit K:** Bungie's Supplemental Responses to Defendants' First Set of Requests for Production Nos. 1-2.
- l. **Exhibit L:** Expert report of Steven Guris.
- m. **Exhibit M:** Bungie's Third Set of Requests for Production (Nos. 44-45) to Defendant Phoenix Digital Group, LLC.
- n. **Exhibit N:** Excerpts from the transcript of the October 31, 2022 deposition of David Schaefer.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 13th day of November, 2023.

/s/ Christian W. Marcelo
Christian W. Marcelo

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